



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AT-1648/11
N/Appeal
Ext-2000
10/10/02
RECEIVED

In Re Application of:

Brian R. Murphy et al.

Serial No.: 09/458,813

Group Art Unit: 1648

Filing Date: December 10, 1999

Examiner: S.S. Brown

TECH CENTER 1600/2900

For: USE OF RECOMBINANT LIVE-ATTENUATED PARAINFLUENZA VIRUS (PIV) AS A VECTOR TO PROTECT AGAINST DISEASE CAUSED BY PIV AND RESPIRATORY SYNCYTIAL VIRUS (RSV)

DATE OF DEPOSIT: September 24, 2002
I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS AND TRADEMARKS, WASHINGTON, DC 20231.

TYPED NAME: Jeffrey J. King
REGISTRATION NO.: 38,515

BOX AF

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

10/03/2002 CNGUYEN 00000049 233050 09458813

01 FC:116 400.00 CH

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed April 25, 2002, finally rejecting claims 1-6, 8-26, 34-45, 47 and 51-52, of the above-identified patent application.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

Adjustment date: 10/03/2002 CNGUYEN
10/01/2002 CNGUYEN 00000061 233050 09458813
01 FC:116 1.00 CR

☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.

☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:

10/01/2002 CNGUYEN 00000061 233050 09458813

01 FC:116 1.00 CH
02 FC:119 320.00 CH

- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization

2. EXTENSION OF TIME

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(4)) for the total number of months checked below:

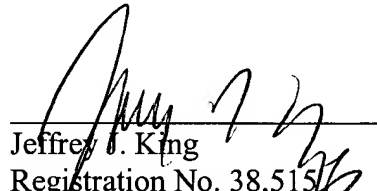
	SMALL ENTITY		NOT SMALL ENTITY	
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$200	\$	\$400	\$ 400.00
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$460	\$	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$980	\$	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$)
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$160	\$	\$320	\$ 320.00
TOTAL FEE DUE				\$ 720.00

2. FEE PAYMENT

- ☒ Please charge my Deposit Account No. 23-3050 in the amount of \$720.00. A duplicate of this transmittal is attached.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this

filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

Date: September 24, 2002



Jeffrey J. King

Registration No. 38,515

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